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**Amendment No. 1 to SB2413**

**Person  
Signature of Sponsor**

**AMEND Senate Bill No. 2413\***

**House Bill No. 2570**

by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-21-901, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding any other provision of law to the contrary, the sheriff or constable is entitled to demand and receive the respective fees for the following services where services are actually rendered:

(1) Service of Process

(A) For serving any process except as otherwise provided in this section or other applicable law, whether issued by a clerk for a general sessions, criminal, circuit, chancery or any other court, the sheriff or constable shall be entitled to the following fees, based on the manner in which process is served, for each item of process that must be served separately per person served:

(i) For service in person \$20.00

(ii) For service by mail \$10.00

(iii) For service by acceptance or consent or any other authorized method \$10.00

(B) For summoning jurors in any proceeding \$5.00

(C) For serving or delivering any other process or notice not related to a judicial proceeding and issued by an entity other than a court \$10.00

(D) For returning any service of process where the sheriff or constable attempts service but is unsuccessful, the sheriff or constable shall only be

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entitled to a fee of seven dollars (\$7.00).

(2) Collection of money; returning, transporting, storing or establishing possession of property.

(A) For a levy of an execution on property or levy of an attachment or other process to seize property for the purpose of securing satisfaction of a judgment yet to be rendered or for executing a writ of replevin or writ of possession

\$40.00

(B)(1) For collecting money to satisfy a judgment, whether by execution, fieri facias, garnishment or other process, in civil cases each time collection is attempted.

\$20.00

(2) For purposes of the payment of fees for garnishments as provided in this subdivision, all garnishments shall be deemed to be original garnishments and the sheriff or other person authorized by law to serve garnishments shall be entitled to the fee provided for in this subdivision for each such garnishment served.

(C) Whenever the sheriff or constable provides for the storage or maintenance of property including, but not limited to, vehicles, livestock and farm and construction equipment, that has been levied on by execution, attachment or other process, the sheriff or constable is entitled to demand and receive a reasonable per day fee for such services. The sheriff or constable is also entitled to demand and receive reimbursement for costs of transportation of such personal

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property to a suitable location for storage and maintenance when such action is necessary to secure such property. Any such fees for transportation, maintenance and/or storage shall be approved by the court issuing the execution, attachment or other process.

(3) Arrest and transportation of prisoners, bail bond.

(A) For executing every capias, criminal warrant, summons or other leading process, making arrest in criminal cases and carrying to jail, prison or other place of incarceration and guarding defendant arrested by warrant involving taking custody of a defendant \$40.00

(B) For citation in lieu of arrest or criminal warrant not involving physical custody of defendant \$25.00

(C) For every bail bond \$5.00

(D) If a sheriff or constable is required to act as a guard to escort prisoners, such sheriff shall be entitled to a per mile fee equal to the mileage allowance granted federal employees. Such fee shall be separate for each prisoner and computed on the distance actually traveled with the prisoner and shall be for no more than two (2) guards. Such fee shall only apply when the sheriff or constable is required to transport a prisoner from county to county or from state to state. Similarly, the sheriff shall be entitled to the same mileage allowance when required to transport a prisoner to a hospital or other mental

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health facility in another county or state for a judicially ordered evaluation.

(E) When two (2) or more criminal warrants are executed at the same time against the same individual, there shall be but one (1) arrest fee allowed when the fee is chargeable to the county and/or the state.

**(4) Security Services**

(A) For attending on grand jury, or waiting in court, per day \$75.00

(B) For waiting with a sequestered jury, per day \$100.00

**(5) Data processing services**

(A) For data processing services \$2.00

(B) The revenue from the two dollar (\$2.00) data processing fee levied by subdivision (A) above, shall be allocated by the sheriff's county for computerization, information systems and electronic records management costs of the sheriff's office. Such funds shall remain earmarked within the general fund and shall be reserved for the purposes authorized in this subdivision at the end of each fiscal year.

(b) Notwithstanding other provisions of this section to the contrary, any fee or mileage allowance permitted under this section, which is assessed against the state or which otherwise represents a cost to the state, shall be limited in amount to the fees allowable immediately prior to May 28, 1977.

(c) The court in its discretion may award as any part of any judgment rendered in a case recovery of fees for process served by any private process server but such fees

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awarded against a party shall not exceed the like fees as authorized by this section for services provided by sheriffs or constables.

AND FURTHER AMEND by deleting the words "to any person authorized to serve process" in subsection (a) of the amendatory language of Section 2 of the printed bill [adding new Section 16-15-901] and by substituting instead the words "to such person authorized to serve process as may be designated by the party filing such civil warrant, writ or other papers or such party's attorney if represented by counsel".

AND FURTHER AMEND by deleting the first sentence of subsection (b) of the amendatory language of Section 16-15-901 of SECTION 2 and substituting instead the following:

A civil warrant, attachment or any other leading process used to initiate an action in general sessions court and subpoenas or summons may be served by any person designated by the party, or the party's attorney, if represented by counsel, who is not a party to the action and is not less than eighteen (18) years of age. Service of other process and orders of the courts of this state shall be by sheriffs, constables or as provided by law.